



castlepoint

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**CONSULTATION DRAFT**

**Statement of Community Involvement**

**December 2013**

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## Introduction

### ***What is a Statement of Community Involvement?***

The Statement of Community Involvement (SCI) sets how Castle Point Borough Council, as the local planning authority, intends to engage and involve residents, businesses and all other stakeholders during the process of considering planning applications and planning enforcement matters, and when preparing planning policy documents.

### ***Why prepare an SCI?***

All local planning authorities are required to produce a Statement of Community Involvement (SCI), under Section 18 of Part 2 of Chapter 5 of the Planning and Compulsory Purchase Act.

The purpose of the SCI is to ensure that residents, businesses and other stakeholders can clearly understand the Council's approach to engagement and community involvement on planning matters. This ensures that they have all the information they need to engage effectively the Council and the planning system.

### ***Why consult?***

**Legal Duties:** As the planning authority, the Council has a legal responsibility to consult on planning applications, and also to consult at various stages throughout the plan-making process. The Council, as a public body, also has a responsibility to ensure that it has full regard to any negative impacts any decisions it takes may have on particular groups within the community. One of the best ways to identify whether such negative impacts may occur is through engagement with the community.

**Benefits to the consultee:** Consultation provides the opportunity for consultees to influence the way a planning proposal progresses. Whilst responding to a consultation may not prevent a proposal being approved or progressed through the local plan, it may result in the design or layout being altered, or specific conditions being applied to prevent negative impacts from occurring.

**Benefits to the decision-maker:** Consultation provides the decision maker with local information about the locality in which a development is proposed, or specialist information on a particular matter such as highway capacity or nature conservation as examples. This will enable the decision maker to take a more informed decision on the development or policy proposed.

## **Community Involvement and Planning Applications**

### ***What is a planning application?***

In the United Kingdom, new development requires planning permission. Development, as defined by law consists of any building, engineering or mining operation, or the making of any material change of use in any land or building. Certain types of operation such as routine maintenance of an existing building are specifically excluded from the definition of development. Additionally, specified categories of minor or insignificant development are granted automatic planning permission by law, and therefore do not require planning permission. These categories are referred to as permitted development.

A planning application is an application for planning permission for a form of development that is not permitted automatically by law. Such applications are made to the local planning authority. In the case of Castle Point, the local planning authority is Castle Point Borough Council.

### ***Pre-application consultation by the developer***

It is considered that pre-application consultation by the developer has the significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community by enabling as many issues as possible to be addressed before an application is submitted to the Council.

Where an applicant wishes to carry out such consultation they are advised to discuss this matter with the Council in advance, so that it can be undertaken in a manner that is sensitive to the community's concerns.

Whilst the Council is often aware that pre-application consultation is being undertaken by the developer as a consequence of providing advice on such matters, it is done so independently of the Council. Therefore comments on pre-application consultations should be direct to the developer at the address provided by them, and not to the Council.

### ***When does the Council consult on planning applications?***

The Council is required to consult on most planning proposals once it has received a valid planning application. The consultation period is normally a minimum period of 21 days from the date of issue of the consultation notice.

Occasionally, consultation responses will prompt an applicant to seek to amend a planning application to address issues raised. Where these amendments are minor, such as alterations to the design of extensions or individual properties, or where an amendment would result in a smaller form of development re-consultation does not

occur. However, where more significant alterations are proposed, such as altering the siting of extensions or buildings closer to neighbouring properties, or the re-siting of roads, re-consultation will occur. The re-consultation period is normally a minimum period of 21 days from the date of issue of the consultation notice.

There are some types of planning applications on which the Council does not consult. These are:

- Prior Approval applications cover detailed matters such as siting and design for certain types of development which are granted consent by national legislation. Decisions on such applications for agricultural development and demolition work must be made within 28 days. Under these circumstances no consultation is undertaken. Publicity is restricted to the application being available on the Council's list of planning applications which is available for inspection on the Council's website.
- Certificates of lawfulness of existing or proposed use of development must be determined solely on the basis of evidence and the law. As a result there is no requirement to carry out third party consultation. However the Council may enter into correspondence with surrounding occupants, where it considers that they may have factual information which could assist in the determination of the case.

### ***Who does the Council consult with on planning applications?***

In all cases where the Council consults on a planning application, it will notify any adjoining owner or occupier of the planning application site by letter or email and invite them to inspect the application and make any written observations by a specified date. As a general rule adjoining owners or occupiers include those who live opposite a site, however such properties will not be consulted where a proposed development is not visible to such properties and is not likely to have an impact on such properties. Examples include:

- Not consulting properties to the rear of an application site when the development is a small front porch; and
- Not consulting properties opposite a site when the development is a small rear conservatory or single storey rear extension.

Where a planning application is submitted for a similar form of development on a site, following a refusal of planning permission or a revised scheme to one previously approved, the original consultees and all respondents regardless of their address will be re-notified.

However where subsequent planning applications are submitted for ancillary forms of development, such as an extension to a dwelling, air conditioning ducts for a supermarket, or advertisements for a fast food outlet, only the adjoining owners or occupiers, as originally consulted, will be notified.

A range of public and private bodies known as 'statutory bodies' are also notified of planning applications. These will vary depending on the nature of the planning application and its location but include the Highways Authority and the Environment Agency.

### ***How does the Council consult on planning applications?***

As explained above, adjoining owners and occupiers are normally notified of a planning application by letter or email. However, there are a number of applications which are likely to create wider interest and as a result require further publicity in the form of:

- Site notice displayed in at least one place on or near the application site for not less than 21 days
- Press advertisement in a newspaper circulating in the locality in which the application site is situated

The types of application where these additional measures are taken include:

- Environmental Impact Assessment (EIA) applications accompanied by an environmental statement;
- Developments which do not accord with the provisions of the development plan in force;
- Developments which would affect a right of way designated under the Wildlife and Countryside Act 1981;
- 10 or more dwellinghouses;
- Dwellinghouses on an area of land of 0.5 hectares or more where the number of dwellinghouses is unknown;
- Building or buildings creating a floorspace of 1,000 square metres or more;
- Development on a site of 1 hectare or more; and
- Development affecting a listed building and/or conservation area.

Copies of the planning application can be viewed online. Alternatively, hard copies of the planning application can be viewed at the Environment desk at the Council Offices at Kiln Road in Thundersley.

Where it is not possible for a consultee to visit the Council Officers or access the Council's website, due to circumstances such as disability, then a planning officer could exceptionally visit the consultee.

### ***How does the Council ensure that consultation on planning applications is inclusive?***

In order to ensure that consultation on planning applications is as inclusive as possible all letters are produced in serif free font size 12. Additionally, information relating to consultation can be made available in alternative formats, such as:

- Larger print (standard)
- Braille (on request)

- Audio tape (on request)
- Different languages (on request)

The Council Offices are also provided with a hearing induction loop at public counters and the Council chamber, and an officer of the Council is qualified in BSL signing and can provide general assistance in certain circumstances.

It is recognised that some residents may find it difficult to access the Council Offices to view planning applications. The Council therefore provides all information related to an application online to be viewed at alternative locations.

***How can you respond to a consultation on a planning application?***

Whether you have been notified of a particular planning application directly, or not, you may respond to the consultation. Your response should be in writing and can be submitted by email, by post, or handed in directly at the Council Offices. Your response must be made within the timeframe indicated on the consultation letter, site notice or advert, and should ideally set out the planning application number so that it can be allocated quickly and easily to the correct case.

***How is your response used when determining a planning application?***

Following the close of a consultation the Council will consider the responses it receives as part of the determination process for the planning application. When determining planning applications the Council can only take into account responses relating to material planning considerations, such as:

- Loss of residential amenity, privacy, overlooking & dominance
- The character of the area and the site
- Increase in traffic, highway and pedestrian safety
- Lack of on-site car parking and increase in on street parking
- Noise and disturbance to adjoining properties
- Effect on wildlife, their habitats and other natural amenities and resources
- National and local planning policies and land use issues

The following issues cannot normally be considered in making planning decisions:

- Non-planning matters
- Loss of value of property
- Loss of view from a property
- Financial benefits of proposal to applicant
- Business competition issues
- Neighbour disputes
- Comments about applicants which are personal in nature

Where a decision is delegated to the officers of the Council, the case officer will prepare a report taking into account all consultation responses, and reach a determination based on the Council's planning policies and the National Planning

Policy Framework. This will be reviewed and as appropriate signed off by the Chief Development Control Officer.

Where a decision is to be reported to the Development Control Committee for determination, the case officer will again prepare a report taking into account all consultation response, and reach a recommendation based on the Council's planning policies and the National Planning Policy Framework. This will be presented to the Development Control Committee for determination.

Members of the public, who responded to the consultation on a planning application to be determined at the Development Control Committee, will be advised of the date of the meeting, and there is the opportunity for one objector and one supporter to speak in relation to a planning application at the Committee meeting.

### ***How can you find out what decision was reached on a planning application?***

Anybody who commented on a planning application will be notified in writing of the decision reached, and advised of knowing their rights under the Party Wall Act 1996 if an application is approved, and advised that an applicant may appeal against a refusal.

You can also monitor the progress of planning applications online. Alternatively, you can telephone or visit the Council Offices during normal office hours to find out the decision reached. In order to access the information you require quickly and easily it is recommended that you make a note of the planning application number.

### ***What happens when a developer appeals a planning decision?***

An applicant may submit an appeal to the Planning Inspectorate where planning permission has been refused, or granted with conditions which the applicant considers to be unacceptable. There is no third party right of appeal. The decision notice provides all the relevant details on how, where and when applicants can appeal against a decision.

All those who were originally notified or responded to the planning application will be informed if an appeal is made, and any responses received, as part of the application process, will be forwarded to the Planning Inspectorate. Respondents have the opportunity to make further written comments to the Planning Inspectorate, except in the case of householder appeals where there is no opportunity to make further representations.

For appeals decided by an informal hearing or public inquiry, interested parties such as neighbours are given the opportunity to present their views before an Inspector as part of a hearing or inquiry process.

All documentation received in respect of an appeal, including the Inspector's decision, will be made available to view on the Council's website and also at the Council Offices during normal office hours.

## **Community Involvement and Planning Enforcement**

Many cases of planning enforcement arise as a consequence of concerns expressed by members of the community. The Council is pleased to assist residents by addressing their concerns through the planning enforcement function of the Council and welcomes non vexatious correspondence from the community related to breaches of planning control.

However, it should be noted that consultation is not normally undertaken on enforcement cases, as the process is mainly investigative. The Council may however on occasions enter into correspondence by post, electronically or verbally with surrounding occupants, in order to assess the potential impact a form of development may be having, particularly when considering amenity issues.

Residents can keep abreast of planning enforcement activity within the borough by viewing the Planning Enforcement Register at the Council Offices during normal office hours. This details all formal planning enforcement action that has been taken.

## Community Involvement and Planning Policy

### The New Local Plan

#### ***What is the New Local Plan?***

The New Local Plan will replace the 1998 Adopted Local Plan. It will set out an overall vision for their borough and puts in place a strategy for delivering growth and regeneration that meets the needs of local people. The new Local Plan for Castle Point will comprise of the following elements:

- Spatial Strategy
- Allocations and Designations
- Development Management Policies
- Policies Map

#### ***When will the Council consult on the New Local Plan?***

The programme for preparing the New Local Plan is set out in a document called the Local Development Scheme. This details more specifically when consultation is due to take place on the New Local Plan. As a general rule, the Council will carry out formal consult on the New Local Plan, and any subsequent review thereof, using a three stage approach:

- 1) **Issues:** At the start, to determine the issues that need to be addressed by the New Local Plan, or any subsequent review;
- 2) **Draft Policies:** Once policies and proposals have been developed to determine whether the policies and proposals are responding to the concerns of consultees; and
- 3) **Submission:** Prior to submission of the final document, consistent with the requirements planning regulations. This provides a planning inspector with the basis for his examination.

There may be occasions where additional consultation is carried out between stages 1 and 3 to focus in on specific issues, or to deal with significant revisions to the policies and proposals before submission.

#### ***Who will the Council consult on the New Local Plan?***

Planning Policy matters affect everyone who lives in, works in, or has an interest in the Borough. The Council will therefore seek to ensure that all residents and all local businesses are directly consulted on the New Local Plan, at stages 1 and 2, where policies are being developed and they have the greatest opportunity to influence change. Additionally, a range of public and private bodies with a specific interest in Castle Point, or a specific set of expertise will also be directly consulted at these stages to ensure that their interests and expertise are fully reflected in the plan. Details of those organisations that the Council must consult are set out in the

regulations, but the Council intends to consult far wider than this by contacting all those organisations that have provided their information to the Council for this purpose.

At stage three the plan will be finalised ready for submission to the Planning Inspector, and the opportunity to affect change limited to the examination process. Therefore, the Council will directly consult with all those residents, businesses and public and private bodies who have responded to earlier consultations on the New Local Plan. Additionally, it will directly consult with those bodies specified in the regulations. Wider consultation will be undertaken by non-direct means such as press adverts.

### ***How will the Council consult on the New Local Plan?***

A consultation plan will be prepared for each stage of consultation setting out how the consultation will be undertaken. The consultation plan will address:

- 1) How the consultation will be promoted;
- 2) How people will be able to access information;
- 3) How people will be engaged directly by the Council; and
- 4) How data will be managed.

Each consultation will last a minimum of 6 weeks, and the consultation plan will be agreed by the Council's Cabinet before consultation commences.

Methods of consultation that have proved successful in the past and are likely to feature in future consultation plans include, but are not limited to, letters, information leaflets and questionnaires to residents, businesses and stakeholders, community meetings and electronic access to information.

### ***How will the Council ensure consultation on the New Local Plan is inclusive?***

As part of the consultation planning process, consideration is given to ensuring inclusive access to consultation.

Evidence has indicated that a significant proportion of Castle Point's population favour hard copy forms of communication, and therefore it is the Council's intention to use posted letters/leaflets wherever possible.

However, it is recognised that working aged people and young people need to be able to access information electronically due to busy schedules. Therefore, information is also available online as standard, and a special system is used to enable responses to be made online also.

In order to access hard to reach groups such as young people and the very elderly, additional consultation events will be planned to ensure these groups are also able to participate. Businesses are also engaged in this way via the business forum.

As with all planning work all consultation materials are produced in serif free font size 12. Additionally, information relating to consultation can be made available in alternative formats, such as:

- Larger print (standard)
- Braille (on request)
- Audio tape (on request)
- Different languages (on request)

The Council Offices are also provided with a hearing induction loop at public counters and the Council chamber, and an officer of the Council is qualified in BSL signing and can provide general assistance in certain circumstances.

### ***How can you respond to consultation on the New Local Plan?***

Due to the nature of the matters addressed through the New Local Plan, a high level of response to consultations is normally achieved. The Council would therefore ask residents to use the consultation forms provided as part of the consultation to respond. This assists with the data management process, and ensures everyone's response can be given equal consideration. The Council will make forms available in hard copy and to download. These can be returned by post, by hand or by email. Additionally, an e-form will be available for online completion.

Responses should be returned to the Council within the timeframes indicated in the consultation material. It may not be possible to take responses returned late into account, particularly if data processing is complete.

### ***How will your response be used when preparing the New Local Plan?***

Responses received at each consultation stage will be stored in the Council's consultation database.

Responses received in respect of stage 1 will be analysed to identify what issues need to be addressed in the New Local Plan, or a subsequent review. An Issues Consultation Report will be prepared, and presented to Members for consideration via the Council's Cabinet. This will form the basis for policy development going forward.

Responses received in respect of stage 2 will be analysed to identify the level of support or concern in respect of policies and proposals set out in a draft New Local Plan, or subsequent review. A Policies Consultation Report will be prepared, and presented to Members for consideration via the Council's Cabinet. This will form the basis for finalising the New Local Plan.

Responses received in respect of stage 3 will be provided to the Planning Inspector appointed to examine the Council's New Local Plan. This will provide the basis for identifying the matters to be considered during the Examination in Public.

### ***How can you find out what progress is being made on the New Local Plan?***

The Council's Local Development Scheme sets out the programme being followed for the preparation of the New Local Plan. This can be viewed online, or at the Council Offices during normal office hours. Progress against this programme is reported periodically to the Council's Cabinet. Cabinet Meetings can be viewed online, and Cabinet Agendas are available to view on the Council's website.

Each year, the Council prepares a document called the Annual Monitoring Report. This sets out the Council progress against the programme in the Local Development Scheme. Again, this can be viewed online, or at the Council Offices during normal office hours.

### ***What happens when the New Local Plan is submitted for examination?***

Following the stage 3 consultation, the final New Local Plan and associated documentation, and all the consultation responses received will be sent to the Planning Inspectorate.

The Planning Inspector appointed to examine the New Local Plan, will then use the consultation responses and his or her own professional expertise to identify matters to be considered through the examination process. It is most likely that the examination will take the form of an Examination in Public, whereby stage 3 consultation respondents may be invited to participate in various public round table sessions of the examination to explain their particular point of view.

The timetable associated with the examination, including any pre-examination meeting will be made publicly available in accordance with regulations. Additionally, any documentation related to the examination prepared by the Inspector, the Council or by other participants at the examination will be made available in hard copy during the examination, and also online.

The Inspector's report will be completed sometime after the close of the examination in public. This will be reported to the Council for consideration, and will be made available to view online and at the Council Offices during normal office hours. It will be for the Council to decide whether to adopt the New Local Plan having regard to the Inspector's Report.

## Supplementary Planning Documents

### ***What are Supplementary Planning Documents?***

Detailed guidance on planning matters is normally set out in supplementary planning documents (SPDs). The requirement for additional guidance on a topic determines the need for such documents to be prepared. SPDs can take the form of a guidance document e.g. Residential Design Guidance or a development brief/masterplan e.g. Canvey Town Centre Masterplan.

### ***When will the Council consult on Supplementary Planning Documents?***

The programme for preparing SPDs is set out in a document called the Local Development Scheme. This details more specifically when consultation is due to take place on SPDs. As a general rule, the Council will carry out formal consult on a SPD once an initial draft has been completed. There may however be occasions where some initial consultation is undertaken to identify issues that need to be addressed.

### ***Who will the Council consult on Supplementary Planning Documents?***

This depends very much on the matters addressed by the SPD. As a rule, the whole community will be advised of consultation on an SPD via non-direct means such as a press advert. Beyond this, the consultation plan prepared for the consultation will identify if and which residents will be contacted directly. For example, as part of the consultation for the Canvey Town Centre Masterplan, all residents of Canvey Island received a mail-out advising them of the consultation.

Additionally, direct consultation will take place with those organisations identified in the regulations which the Council must consult with. The consultation plan meanwhile will identify other organisations with which the Council will engage directly. For example, as part of the consultation for the Residential Design Guidance, representatives of the local development industry were specifically engaged.

### ***How will the Council consult on Supplementary Planning Documents?***

A consultation plan will be prepared for the consultation setting out how the consultation will be undertaken. The consultation plan will address:

- 1) How the consultation will be promoted;
- 2) How people will be able to access information;
- 3) How people will be engaged directly by the Council; and
- 4) How data will be managed.

Each consultation will last a minimum of 6 weeks, and the consultation plan will be agreed by a Cabinet Member before consultation commences.

The methods of consultation employed will depend largely on the matter being considered but may involve localised mail-outs, local community meetings or targeted workshops for specific interest groups.

***How will the Council ensure consultation on Supplementary Planning Documents is inclusive?***

As part of the consultation planning process, consideration is given to ensuring inclusive access to consultation. The approach employed to ensure inclusive access will vary depending on the matter being considered. However, as a minimum, all consultation materials are produced in serif free font size 12. Additionally, information relating to consultation can be made available in alternative formats, such as:

- Larger print (standard)
- Braille (on request)
- Audio tape (on request)
- Different languages (on request)

The Council Offices are also provided with a hearing induction loop at public counters and the Council chamber, and an officer of the Council is qualified in BSL signing and can provide general assistance in certain circumstances.

***How can you respond to consultation on a Supplementary Planning Document?***

To assist with data management, and to ensure everyone's response can be given equal consideration, consultees are asked to use the consultation forms provided as part of the consultation to respond. The Council will make forms available in hard copy and to download. These can be returned by post, by hand or by email. Additionally, an e-form will be available for online completion.

Responses should be returned to the Council within the timeframes indicated in the consultation material. It may not be possible to take responses returned late into account, particularly if data processing is complete.

***How will your response be used when preparing a Supplementary Planning Document?***

Responses received in respect of a SPD will be analysed to identify the level of support or concern in respect of proposals or guidance it contains. A Consultation Report will be prepared, and presented to Members for consideration via the Council's Cabinet. This will form the basis for finalising the SPD.

***How can you find out what progress is being made on a Supplementary Planning Document?***

The Council's Local Development Scheme sets out the programme being followed for the preparation of SPDs. This can be viewed online, or at the Council Offices during normal office hours.

Each year, the Council prepares a document called the Annual Monitoring Report. This sets out the Council progress against the programme in the Local Development Scheme. Again, this can be viewed online, or at the Council Offices during normal office hours.